

FILED

AT 11:00 O'CLOCK A M

AUG 20 2019

Case No. CR-4012-18-J (COUNT ONE)
TRN 9284627915 A001

LAURA HINOJOSA, CLERK
District Courts, Hidalgo County
By *[Signature]* Deputy #20

THE STATE OF TEXAS

V.

JAVIER LEOBARDO OLVERA,
DEFENDANT

SID:TX-17571981

§ IN THE 430TH DISTRICT COURT
§ OF
§ HIDALGO COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT
& SENTENCE TO THE INSTITUTIONAL DIVISION
OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

DATE OF JUDGMENT: August 19, 2019
JUDGE PRESIDING: ISRAEL RAMON, JR.
COURT REPORTER: VELMA ARELLANO
ATTORNEY FOR THE STATE: LAUREN R. SEPULVEDA
ATTORNEY FOR THE DEFENDANT: HECTOR HERNANDEZ, JR.
OFFENSE CODE: 12990002
OFFENSE: AGG ROBBERY, AS CHARGED IN THE
INDICTMENT
DATE OF OFFENSE: JULY 28, 2018
DEGREE OR OFFENSE: FELONY 1ST DEGREE
STATUTE FOR OFFENSE: 29.03
APPLICABLE PUNISHMENT RANGE: LIFE/ 5-99 YEARS IN PRISON/ MAX
(Including enhancements if any): \$10,000 FINE
CHARGING INSTRUMENT: INDICTMENT or INFORMATION
PLEA TO OFFENSE: GUILTY
TERMS OF PLEA AGREEMENT OR
FINDINGS OF THE COURT, TO WIT:
PUNISHMENT IMPOSED: 12 YEARS IMPRISONMENT
PLACE OF IMPRISONMENT: INSTITUTIONAL DIVISION OF THE
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE
FINE: \$1,500.00
RESTITUTION: \$10,000.00
CREDIT FOR TIME SPENT IN JAIL: 384 DAYS
DISMISS: NONE
CONSIDER: NONE
PLEA TO ENHANCEMENT NONE
PARAGRAPH(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: AFFIRMATIVE
COURT COSTS: \$ 229.00
DATE SENTENCE IMPOSED: AUGUST 19, 2019

On JUNE 13, 2019, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by LAUREN R. SEPULVEDA and the Defendant and the Defendant's attorney, HECTOR HERNANDEZ, JR , were also present. Thereupon both

sides announced ready for trial, and the Defendant, Defendant's attorney, and the State's attorney agreed in open court and in writing to waive a jury in the trial of this cause and to submit it to the Court. The Court consented to the waiver of a jury. The Defendant further waived the reading of the indictment or information, and, upon being asked by the Court as to how the Defendant pleaded, entered a plea of **GUILTY** to the offense of **AGG ROBBERY, AS CHARGED IN THE INDICTMENT, FELONY 1ST DEGREE**. Furthermore, as to the enhancement paragraphs, if any, the Defendant entered a plea of **NONE**.

Thereupon, the Court admonished the Defendant of the range of punishment attached to the offense, that any recommendation of the State is not binding on the Court, that the existence of a plea bargain limits the right of an appeal to only pre-trial matters raised and preserved, and that if the Defendant is not a citizen of the United States of America, a plea of guilty or no contest may result in deportation under federal law; it appeared to the Court that the Defendant was competent to stand trial and was not influenced in making said plea(s) by any consideration of fear or by any persuasion prompting a confession of guilt; and that the Defendant understood the admonitions of the Court and was aware of the consequences of the plea(s); and the Court received the free and voluntary plea(s), which are now entered of record in the minutes of the Court.

The Court then proceeded to hear evidence from the State and the Defendant and, having heard argument of counsel, found there was sufficient evidence to support the Defendant's plea and found the Defendant guilty of the offense of **AGG ROBBERY, AS CHARGED IN THE INDICTMENT, FELONY 1ST DEGREE**, committed on **JULY 28, 2018**, and made a finding of **NONE** on the enhancement paragraph(s), if any. The Court then assessed punishment at **12 YEARS** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** and a Fine of **\$1,500.00**.

A pre-sentence investigation report **WAS DONE** according to Article 42.12, Sec. 9, CCP.

And thereupon on **AUGUST 19, 2019**, the Court then asked the Defendant whether the Defendant had anything to say why the sentence should not be pronounced upon Defendant, and the Defendant having answered nothing in bar thereof, the Court proceeded to pronounce sentence upon Defendant.

It is therefore **ORDERED, ADJUDGED and DECREED** by the Court that the Defendant is guilty of the offense of **AGG ROBBERY, AS CHARGED IN THE INDICTMENT, FELONY 1ST DEGREE**, committed on **JULY 28, 2018**; that the punishment is fixed at **12 YEARS** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE**, and a Fine of **\$1,500.00**; and that the State of Texas do have and recover of the Defendant all court costs in this prosecution expended, for which execution will issue.

It is further **ORDERED** by the Court that the Defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Hidalgo County, Texas, and be safely conveyed and delivered to the Director of the Institutional Division of the Texas Department of Criminal Justice there to be confined in the manner and for the period aforesaid, and the Defendant is hereby remanded to the custody of the Sheriff of Hidalgo County, Texas, until such time as the Sheriff can obey the directions of this sentence.

Furthermore, the following special findings or orders apply:

The Court finds that Defendant used or exhibited a deadly weapon, namely, **hammer**, during the commission of a felony offense or during immediate flight there from or was a party to the offense and knew that a deadly weapon would be used or exhibited.

The Court finds that **THERE IS NOT** a plea bargain agreement between the State and the Defendant.

The Court, upon the State's motion, **DISMISSED** the following count, case or complaint: **NONE**.

The Court, upon the Defendant's request and the State's consent, **CONSIDERED** as an admitted unadjudicated offense the following count, case or complaint: **NONE**.

The Court finds that the sentence imposed or suspended shall run concurrent unless otherwise specified.

The Court finds that the Defendant shall be credited with **384 DAYS** on his sentence for time spent in jail in this cause.

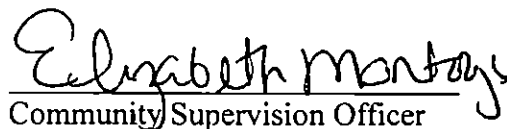
The Court finds the Defendant owes **\$1,500.00** for the Fine, **\$10,000.00** in restitution, \$_____ in court costs. The Defendant shall make restitution, if any, within five (5) years after the end of the term of imprisonment imposed.

Signed on the 19th day of August, 2019


Judge Presiding

Receipt is hereby acknowledged on the date shown above of one copy of this Judgment & Sentence.


Defendant


Community Supervision Officer

AA

Defendant's right thumbprint

